

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

TATYANA ROZENTULER
11 Pitt Road
East Brunswick, NJ 08816

Plaintiff,

vs.

WEST ASSET MANAGEMENT, INC.
2253 NORTH WEST PARKWAY
MARIETTA, GA 30067

Defendant.

Case Number

07-5805 (FLW)

CIVIL COMPLAINT

COMPLAINT

I. INTRODUCTION

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").

2. The FDCPA prohibits collectors from engaging in deceptive and unfair practices in the collection of consumer debt.

II. JURISDICTION

3. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

III. PARTIES

4. Plaintiff is Tatyana Rozentuler, a consumer who resides at the address captioned above.

5. Defendant is West Asset Management, Inc. (hereinafter "West"), is a foreign corporation with a principal place of business in Marietta, GA and a mailing address as captioned above.

6. West regularly uses the mail and telephone to attempt to collect consumer debts alleged to be due another.

7. West is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6).

IV. STATEMENT OF CLAIM

8. At all times relevant hereto, West was attempting to collect a consumer debt allegedly due on a disputed account between a consumer debtor who apparently used to have the same phone number as the Plaintiff.

9. Since August of 2007 Plaintiff has received phone calls on her cell phone from Defendant, sometimes the calls will be as many as five times per day.

10. In August of 2007 Plaintiff purchased a new cellular telephone.

11. Plaintiff received a new phone number with the new purchase.

12. Plaintiff works in a tele-commuter status, which is essentially working over her cellular phone.

13. Plaintiff informed Defendant that she is the new owner of this phone ever since the calls began in August, Defendant has failed and refused to stop the constant barrage of calls to Plaintiff's phone.

14. Plaintiff received and continues to receive these calls from West at least four times per week.

15. Plaintiff has been made to suffer personal embarrassment and undue stress manifesting in physical symptoms of continued discomfort and a loss of income.

COUNT I – FAIR DEBT COLLECTION PRACTICES ACT

16. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

17. Defendant, West's conduct violated the FDCPA in the following ways:

(a) By making false, deceptive or misleading telephone calls to plaintiff in connection with a consumer debt alleged due, in violation of 15 U.S.C. §1692e and §1692c(10); and

(b) By failing to disclose in its communications that the communication was from a debt collector, in violation of 15 U.S.C. §1692e(11); and

(c) By using abusive language in violation of 15 U.S.C. §1692d(2)

(d) By contacting third parties in violation of 15 U.S.C. §1692b(1), (2), (3) and §1692c(b).

WHEREFORE, Plaintiff, Tatyna Rozentuler demands judgment against Defendant, West Asset Management, Inc. for:

- (a) Damages in the amount of \$35,000.00;
- (b) Statutory damages of \$1,000.00 per violation
- (c) Attorney's fees and costs;
- (d) Such other and further relief's the Court shall deem just and proper.

V. DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Respectfully submitted,

Date: 12/5/2007

/s/ Bruce K. Warren
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